

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Sbarro Franchise Co., LLC, et al.,
Plaintiffs,
-vs-
Pizza Partners Operations, LLC, et al.,
Defendants.

) Case No. 2:20-cv-00267-SDM-EPD
)
) Judge Sarah D. Morrison
)
) Magistrate Elizabeth Preston Deavers
)
)
) **DECLARATION OF
PETER R. SILVERMAN**
)
) Peter R. Silverman (SBN 0001589)
) Michael A. Snyder (SBN 0069425)
) Marcus A. Miller (SBN 0096597)
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)
) *Attorneys for Plaintiffs*

* * *

Peter R. Silverman, under penalty of perjury, declares on the basis of personal knowledge:

1. I am a licensed attorney for Plaintiffs, Sbarro Franchise Co., LLC, Sbarro, LLC, and Sbarro America, Inc. in this action.

2. I arranged to have the date of birth of Defendant Joseph Candito submitted to the Department of Defense Manpower Data Center ("DDMDC") website

(<https://scra.dmdc.osd.mil/scra/#/home>) for purposes of obtaining military status reports for the identifying information provided.

3. I reviewed the status report provided by the DDMDC website with respect to Mr. Candito and, according to the report, Mr. Candito is not currently engaged in the military service of the United States of America. An accurate copy of the DDMDC website's status report on Mr. Candito is attached as Exhibit 1.

4. Based on this report, I have no information that would lead me to believe that Mr. Candito is entitled to any benefits under the Servicemembers Civil Relief Act, 50 U.S.C. §533, and he has made no such claims.

5. Upon information and belief, Mr. Candito is not an incompetent person or minor.

I certify under penalty of perjury under the laws of the United States of America and the State of Ohio that the statements within this Declaration are true.



Peter R. Silverman

6/17/2020
Date